

I. Introduction

After more than five years of prosecution of this application and its parent, including an indication of allowance that was subsequently withdrawn, Applicant is submitting herewith claims that each include subject matter related to one or more of the following:

- 1) obtaining information regarding multiple service providers based on service type and location, and prioritizing such information on a basis independent of proximity and subscriber preferences (e.g., preferred service providers defined by the network administrator, see page 11 of specification);
- 2) obtaining information regarding multiple service providers based on service type and location, and outputting information regarding only a subset of the providers based on selection information (see discussion regarding selecting service providers from the list of candidate service providers on page 11 of specification); and
- 3) obtaining information regarding multiple service providers based on service type and location, and prioritizing at least some of this information based on presentation information related to specific service providers (see page 11 of specification).

None of the above-enumerated items is disclosed by the cited patents, even if such patents are assumed to be properly combinable. Applicant respectfully requests early notice of allowance or, in the alternative, early entry of this amendment to place this application in condition for immediate appeal.

II. Remarks Regarding the Non-Final Action

Claim 76 stands rejected in view of Brohoff (U. S. Patent No. 6,108,533) and Bolduc et al (U. S. Patent No. 6,157,841). This rejection is respectfully traversed for the reasons set forth in detail below.

Claim 76 relates to prioritizing service information independent of proximity and subscriber preferences. Specifically, this claim involves receiving a service request identifying a type of services (e.g., hotel, taxi, ATM, etc.) and obtaining location information for a mobile unit using a network assisted location technology. First and

second service provider information is identified based on the service type information and the location information. The service provider information is then prioritized for presentation based on stored information independent of proximity and subscriber preferences and is output to the mobile unit.

In this manner, multiple items of service information can be presented to the mobile unit in accordance with stored criteria other than subscriber preferences or proximity. For example, a network administrator may establish preferred providers and/or a pay-per-click business model may be supported for generating revenues from service providers.

Such subject matter is not disclosed or suggested by the cited patents. Brohoff discloses a system that is specifically limited to presenting service provider information based on proximity. A database is searched based on a search key and mobile unit location. The responsive service information is then presented in order of proximity. As the Examiner has recognized, Brohoff does not disclose that a service provider at a farther location may be assigned a higher priority as specifically recited in Claim 76.

Moreover, though the Examiner has asserted that “general search words” may be equated to “stored subscriber independent prioritization information,” as presented, Claim 76 specifies that first and second service provider information is identified based on service type information and the location of the mobile unit. Subscriber independent prioritization separate from the service type information is used to prioritize the first and second service provider information for presentation. Thus, Brohoff neither discloses prioritization independent of proximity, nor prioritization based on subscriber independent prioritization information. Thus, Brohoff does not support other prioritization arrangements and associated business models as discussed above.

In Bolduc, a database is accessed based on the identity of an antenna of a cellular phone network (e.g., a Cell ID). Thus, a request is entered via a universal number and information for the local antenna is accessed without regard to service type. The user may then be presented with a series of menus, e.g., a first menu showing types of services available, then a menu for the category selected, etc. The order of menus may vary from cell-to-cell (it is worth noting that this ordering of menus -- rather than ordering of presentation relative to specific service providers -- appears to be the context of the

vague reference to ordering based on user preferences recited in the penultimate sentence of the detailed description). Thus, Bolduc neither discloses prioritization independent of proximity, nor prioritization based on subscriber independent prioritization information.

Applicant respectfully submits that Brohoff and Bolduc cannot properly be combined as the Examiner has proposed. In particular, the Examiner proposes incorporating the subscriber preferences of Bolduc into the system of Brohoff, which the Examiner posits may result in prioritization of particular information in reverse order of proximity. As noted above, such subscriber preferences of Bolduc appear to relate to ordering of menus, not of service providers, and therefore are inapposite. Moreover, Bolduc does not disclose any structure or methodology for altering the menus presented (as opposed to the order of menus). In any event, such combination is improper because Brohoff is specifically limited to presenting information in order of proximity. Additionally, any identification of service type in Bolduc occurs only after the menus are presented. Accordingly, the Examiner's proposal to apply Bolduc's subscriber preferences with respect to information accessed based on Brohoff's general search terms is contrary to the teachings of Bolduc.

In any event, the proposed combination even if proper does not yield the claimed invention. Neither Bolduc nor Brohoff discloses prioritization of service provider information based on subscriber independent prioritization information separate from the service type information of the service request. Neither Bolduc nor Brohoff discloses prioritization of information regarding specific service providers independent of proximity. Accordingly, Applicant respectfully submits that this rejection should be withdrawn.

Independent Claim 82 is similar to former Claim 40 and relates to selecting a subset of service provider information for presentation based on stored selection information. Specifically a number of candidate service providers are identified based on service type information and mobile unit location. Stored selection information is used to select a subset less than the whole of the number of candidate service providers. That is, at least one of the candidate service providers identified based on service type and location is omitted from the information output to mobile unit based on stored selection criterion. For example, the stored information may indicate that the subscriber only

wishes to have a certain number of items returned, or that the subscriber is not interested in ATMs that charge a fee or restaurants that do not accept credit cards. The claimed invention thus provides enhanced functionality to the subscriber and enhanced efficiency to the network.

Brohoff reports all responsive information ordered based on proximity. Bolduc does not access information based on service type and location. In any event, even assuming that the subscriber preferences of Bolduc function as the Examiner suggests, Bolduc merely states that the order, not the content, of the information is based on subscriber preferences. Accordingly, Applicant respectfully submits that Claim 82 and its dependent claims are patentable as presented.

Independent Claim 87 relates to identifying multiple service providers based on service type and location and prioritizing such service provider information independent of proximity based on prioritization information relating specific ones of the service providers. For example, service providers may be identified as preferred by a network administrator.

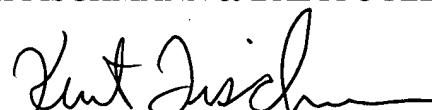
As discussed above, Brohoff is limited to prioritization based on proximity. Brohoff does not disclose prioritization based on stored information related to individual service providers.

A sincere effort has been made to put this application in condition to receive a Notice of Allowance and such disposition is respectfully requested. In the event that a telephone conversation would expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By:



Kent A. Fischmann

Registration No. 35,511

3151 South Vaughn Way, Suite 411

Aurora, Colorado 80014

(720)562-5501

Date: October 28, 2003